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In re Application of
George Emanuel
Application No. 10/658,569
Filed: September 9, 2003
For: IMPROVED LASER NOZZLE AND IODINE INJECTION FOR COIL
Attorney Docket No: KSY 02655 PTUS
Pub. No.: US 2004/0050979 A1
Pub. Date: March 18, 2004

This is a decision on the request for corrected patent applications publication under 37 CFR 1.221 (b), filed on May 24, 2004 for the above-identified application.

The request is granted-in-part.

The corrected patent application publication will be published in due course and will only include corrections for errors made by the Office.

A patent application is based on the application papers as originally filed, according to 37 CFR 1.215(a), which says the following, in part:

(a)...The patent application publication will be based upon the application papers deposited on the filing date of the application, as well as the executed oath or declaration submitted to complete the application...The patent application publication will not include any amendments, including preliminary amendments, unless applicant supplies a copy of the application containing the amendment pursuant to paragraph (c) of the section.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹ The instant request also includes mistakes that are not the fault of the Office, which will not be corrected by a corrected publication by the Office.

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct 10, 2000) (final rule).

The alleged error mentioned in paragraph [0088] will not be corrected as requested, as the text will be published as originally presented, the symbol was originally presented as a superscript. The "0" will be deleted.

The following errors mentioned below by applicant, will not be corrected in the corrected publication, as the errors are not apparent from the Office record.

The alleged errors in paragraphs [0051] and [0065] of the publication with respect to "changing x_j to x_i " will not be corrected as requested by applicant as the text on the pages is very small and in such a poor quality that the errors are due to the quality of the text. Applicant is advised that he may want to file application papers that are clearer, as some of the errors are due to faint or slightly blurred text.

The alleged errors in paragraphs [0091] and [0106] of the publication with respect to changing the "*" to superscripted will not be corrected as requested by applicant as the text on the pages is very small and in such a poor quality that the errors are due to the quality of the text.

The alleged error in paragraph [0134] of the publication with respect to "Deleting the comma after y_i " will not be corrected as requested by applicant as the text on the pages is very small and in such a poor quality that the errors are due to the quality of the text. Applicant is advised that he may want to file application papers that are clearer, as some of the errors are due to faint or slightly blurred text.

The alleged error in paragraph [0134] of the publication with respect to adding the dot over the "m" will not be corrected as requested by applicant as the text on the pages is very small, blurry and in such a poor quality that the errors are due to the quality of the text. Applicant is advised that he may want to file application papers that are clearer, as some of the errors are due to faint or slightly blurred text.

Applicant should file applications having larger text, which is cleaner and with sufficient clarity and contrast to permit reproduction to avoid errors in the patent application publication process. See 37 CFR 1.52.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system and questions or request for reconsideration of the decision, should be addressed as follows:

Application No.: 10/658,569

3

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Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709 (voice)

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